

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SERVICE EMPLOYEES INTERNATIONAL UNION,
DAVID REGAN and ELISEO MEDINA, as trustees for
SEIU UNITED HEALTHCARE WORKERS-WEST
and fiduciaries of the SEIU UNITED HEALTHCARE
WORKERS-WEST AND JOINT EMPLOYER
EDUCATION FUND, SEIU UNITED HEALTHCARE
WORKERS-WEST, an unincorporated association and
fiduciary of the SEIU UNITED HEALTHCARE
WORKERS-WEST AND JOINT EMPLOYER
EDUCATION FUND, and REBECCA COLLINS, as a
participant in the SEIU UNITED HEALTHCARE
WORKERS-WEST AND JOINT EMPLOYER
EDUCATION FUND,

Plaintiffs,

v.

SAL ROSELLI, JORGE RODRIGUEZ, JOAN
EMSLIE, JOHN BORSOS, JOHN VELLARDITA,
GABE KRISTAL, PAUL KUMAR, MARTHA
FIGUEROA, BARBARA LEWIS, PHYLLIS
WILLETT, DANIEL MARTIN, LAURA KURRE,
RALPH CORNEJO, WILL CLAYTON, GLENN
GOLDSTEIN, FRED SEAVEY, MARK KIPFER,
AARON BRICKMAN, IAN SELDEN, GAIL
BUHLER, FREJA NELSON, ANDREW REID,
NATIONAL UNION OF HEALTHCARE WORKERS;
MARYRUTH GROSS, CONNIE WILSON, ARLENE
PEASNALL, CHERIE KUNOLD, FAYE LINCOLN,
and DOES 1 through 100, inclusive,

Defendants.

No. C 09-00404 WHA


**ORDER REGARDING
DEFENDANTS'
REQUEST TO
CONVERT MOTION
AND RESCHEDULE
HEARING**

Defendants have filed a request that their motion to dismiss (Dkt. No. 161) be treated as a motion for summary judgment pursuant to Rule 12(d), and that it be heard in conjunction with plaintiffs' motion for partial summary judgment (Dkt. No. 171) because both motions concern

1 the second claim for relief. The request is **GRANTED**. The hearing on plaintiffs' motion for
2 partial summary judgment is hereby rescheduled from June 11 to **JUNE 4, 2009**, so that the two
3 motions may be heard together.

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5 **IT IS SO ORDERED.**

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7 Dated: May 22, 2009.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE